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February 26, 1997

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Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Second Letter Amendment to Petition for IVDS Rulemaking

Dear Mr. Secretary:

On September 4, 1996 certain clients of this firm filed a Petition for Rulemaking seeking a 10-year IVDS license term and a reamortization of the IVDS auction debt (the "Petition"). Those same clients joined to file a January 28, 1997 Letter Amendment to the Petition in order to request relief from, inter alia: the 100 milliwatt power limits on mobile transmissions; the duty cycle; the height and power restrictions; the construction benchmarks; and the ownership restrictions. All of these provisions are included in Part 95 of the Commission's rules.

By this Second Letter Amendment, the IVDS Licensees (as defined in the Letter Amendment) hereby request that the Commission also consider the following issues in the anticipated Notice of Proposed Rulemaking ("NPRM"): (i) the prohibition of RTU to RTU transmissions; (ii) the prospect for providing the IVDS licensees with additional spectrum; and (iii) the clarification of various engineering and buildout issues, as raised by Myers Keller Communications Law Group in its February 11, 1997 letter to the FCC's Herb Zeiler, to the extent that those issues have not, by then, been formally clarified.

While the RTU to RTU issue was addressed, to an extent, in an earlier rulemaking, the issues which have previously been raised for inclusion in the upcoming NPRM (including interference and power level issues) could set the stage for a revisiting of the RTU-to-RTU transmissions and thus it is appropriate that it be included within the scope of the proposed NPRM. The request for an additional spectrum allocation - a concept first raised by FCC officials in the January 28, 1997 open meeting - merits fuller examination in part due to the prospect of substantially reducing the Channel 13 interference issues by permitting IVDS licensees to utilize an additional band of spectrum for a majority of their transmission, thereby limiting the transmissions in the 218-219 band and possibly facilitating the resolution of the

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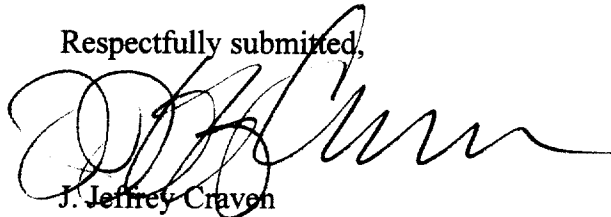
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IVDS licensee - NAB/MSTV standoff on these technical issues. The IVDS Licensees request that such additional spectrum would be located toward the lower end of the spectrum band. Finally, the clarification of the several engineering and buildout/coverage issues raised by Myers Keller will avoid disputes and possibly litigation by providing specific, unambiguous standards in these important areas.

The IVDS Licensees recognize that the Commission and staff are working hard to prepare the NPRM and they thank the Commission and staff for including these issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Jeffrey Craven", is written over the typed name.

J. Jeffrey Craven

cc: D'wana Speight, Esquire
Kathleen O'Brien Ham, Esquire
David Horowitz, Esquire
Howard Griboff, Esquire
Christina Clearwater, Esquire
William Franklin, Esquire

Feb. 20. 5:07PM

Print Time

Feb. 20. 5:05PM

Received Time

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February 11, 1997

**VIA FACSIMILE TRANSMISSION
AND FIRST CLASS MAIL**

Mr. Herbert Zeiller
Private Wireless Division
Federal Communications Commission
2025 M Street, NW
Room 8010
Washington, DC 20554

Dear Mr. Zeiller:

Pursuant to our previous discussions, I would like your confirmation of the following matters concerning the Interactive Video and Data Service (IVDS). Specifically, I would like you to confirm that:

1. In demonstrating compliance with the 30% construction benchmark, it is acceptable to use a predicted 39 dbu contour.
2. In calculating the 39 dbu contour, it is acceptable to use either the R6602 contour model used in the broadcast service (Rule Section 73.684(4)(f)) or the model used in the cellular service (Rule Section 22.911).
3. Whichever contour model is used (broadcast or cellular), the rules and assumptions associated with that model should be followed.
4. Under both models, a minimum HAAT of 100 feet is assumed where terrain indicates a negative antenna height or height below 100 feet, and the HAAT values along the eight cardinal radials are averaged to determine the maximum ERP for a CTS.

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Mr. Herbert Zeiller
February 11, 1997
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In addition, there are two questions to which I would appreciate your response:

1. What is the meaning of the following sentence which appears in Section 73.684(4)(f) of the rules dealing with the R6602 broadcast contour model: "However, where the actual contour distances are critical factors, a supplemental showing of expected coverage must be included together with a description of the method employed in predicting such coverage." ?
2. Is the buildout rule of Section 95.833 satisfied if: (i) for each one of a number of cells, there are two RTUs transmitting on the IVDS spectrum to a CTS, but the CTS is receive-only and is not transmitting; and (ii) no application is being run on the system but the system is capable of running an application?

I look forward to discussing these matters with you further and thank you for your attention to them.

Very truly yours,



James J. Keller

cc (via fax): Mr. William Cross